

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL KEITH WILLIAMS, ) No. CV-F-02-6302 REC/WMW HC  
 )  
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 )  
 Petitioner, ) ORDER DISMISSING ACTION  
 ) WITHOUT PREJUDICE AND  
 ) DIRECTING ENTRY OF JUDGMENT  
 ) FOR RESPONDENT  
 )  
 vs. )  
 )  
 )  
 )  
 )  
 D.L. RUNNELS, )  
 )  
 )  
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 )  
 Respondent. )  
 )  
 )

On November 19, 2004, the United States Magistrate Judge recommended that the court dismiss this action because of petitioner's failure to timely comply with a court order and to prosecute this action.

On January 7, 2005, petitioner filed untimely objections to the recommendation.

The court has reviewed the record in this action and concurs with the recommendation. Petitioner's contention that his failure to comply with court orders is the fault of the institution is without merit. It is petitioner's obligation

1 pursuant to Rule 83-183(b), Local Rules of Practice, to keep the  
2 court advised of his current address. In addition, the court  
3 notes that petitioner has previously failed to timely comply with  
4 court orders in this action. Consequently, for the reasons set  
5 forth herein and in the recommendation, which this court adopts,  
6 the court concludes that this action be dismissed without  
7 prejudice for failure to timely comply with court orders and to  
8 prosecute.

9 IT IS SO ORDERED.

10 **Dated:** April 28, 2005  
11 668554

12 /s/ Robert E. Coyle  
13 UNITED STATES DISTRICT JUDGE

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